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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/252,790	02/19/99	ALAIA	M 046700-5004

009629  
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LM01/0302

EXAMINER

PATEL, J

ART UNIT

PAPER NUMBER

2765

DATE MAILED:

03/02/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/252,790

Applicant(s)  
ALAIA et al.

Examiner  
Jagdish Patel

Group Art Unit  
2765



☒ Responsive to communication(s) filed on Feb 19, 1999

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-8 and 89-104 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-8 and 89-104 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 8, 10

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 1-8 and 89-104 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-8 and 89-104: these claims fail to recite limitation (s) to accomplish the objective set forth in the preamble. For example claim 1 is directed to “a method of conducting a business-to-business online auction for ...between a buyer and a plurality of potential sellers..”. However, the claimed invention(s) fails to accomplish or complete the process of auction of the products or materials as stated in the preamble. The claimed inventions are more appropriately limited to controlling closing timing of a multiple lot auction.

The applicant is required to either (a) amend the preamble to more closing reflect the claimed inventive steps or (b) amend the claim so the objective set forth in the preamble is incorporated in the claimed invention.

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Appropriate correction(s) are required.

The above analysis is exemplary only as applied to claim 1. Similar corrections are also required for independent claims 7, 89, 95 and 97.

[Examiner's Note: the correction (of the preamble AND the claim limitations) would also distinguish the claims of subject application from other related applications and would be consistent with the title of the invention ( Suggestion: "METHOD AND SYSTEM FOR CONTROLLING CLOSING TIMES OF ELECTRONIC AUCTIONS INVOLVING MULTIPLE LOTS "].

Dependent claims inherit same weakness as independent claims indicated above.

#### *Prior Art Cited*

2. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

#### *Conclusion*

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jagdish Patel whose telephone number is (703) 308-7837. The examiner can normally be reached Monday-Thursday from 8:00 AM to 6:00 PM.

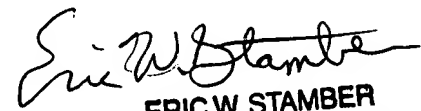
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allen MacDonald, can be reached at (703) 305-9708.

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The fax number for Formal or Official faxes to Technology Center 2700 is (703) 308-9051 or 9052. Draft or Informal faxes for this Art Unit can be submitted to (703) 308-5397.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

JNP 2/22/00

  
ERIC W. STAMBER  
PRIMARY EXAMINER